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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,240	04/12/2004	James K. Chun	CHUJ 109	4071

7590

04/13/2006

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EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,240

Applicant(s)

CHUN, JAMES K.

Examiner

Timothy Edwards, Jr.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Auten et al '410, and further in view of Drapac et al '984.

Considering claim 1, Auten discloses a communication device and power pack that include a light source comprising, a) a housing adapted to hold a battery (see fig 1b, item 2); b) at least one battery disposed inside the housing (see col 4, lines 41-43); c) at least one LED located in the housing, and used as a flashlight to illuminate a nearby surface or object (see col 4, lines 48-50); d) except Auten does not specifically recite a voltage multiplier circuit comprising a boost converter that automatically adjusts and maintains the output voltage from the battery to continuously activate the LED as the internal voltage of the battery decreases. Auten discloses the use of a power pack that supplies power to a communication device and LED's for illumination (see col 4, lines 1-8). Applicant states in his specification page 5 to 6, lines 23-5 a voltage multiplier circuit comprising a boost converter can be purchased off the shelf. Drapac teaches the use of a DC-DC boost converter in a communication device for providing constant current to a lamp. Even though Auten does not specifically recite a specific type of power supply

one of ordinary skill in the art would readily recognize the use of an LED or lamp could exceed the voltage of a battery or cell (example a white LED's have a forward voltage of 3.5 volts typically, to 4.0 volts maximum). Therefore, it would have been obvious to one of ordinary skill in the art to include a DC-DC boost converter in the power supply circuit of Auten as taught by Drapac because both references are concern with providing power to a light source in a communication device. Applicant admits the use of this type of converter is well known in the art; e) an on/off switch electrically connected between the battery and the LED (see col 4, lines 37-40 and fig 1c, item 14); f) Auten does not specifically recite a garage door opener transmitter and a garage door function switch connected to the garage door opener transmitter. Auten teaches in col 2, lines 16-29 a communication device comprising an illumination source. Auten teaches the term "communication device" is used to refer to mobile radio communication systems, pagers, cellular phones and garage door openers. One of ordinary skill in the art would readily recognize the components, which are inherent to the suggested communication devices of Auten, would be a part of that communication device. Therefore, it would have been obvious to one of ordinary skill in the art the suggested garage door opener of Auten would comprise a transmitter and a garage door function switch connected to the garage door opener transmitter.

Considering claim 2, Auten does not specifically recite a boost converter capable of supplying 3.3 volts at 150 MA. Drapac teaches (see col 3, lines 56-63) a DC-DC converter used to boost voltages up to 3.0 volts and higher. One of ordinary skill in the

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art would use a device capable of supplying a voltage to accomplish the task.

Obviousness rejection is as stated in claim 1, part (d).

Considering claim 3, Auten does not specifically recite a battery supplies 1.5 volts.

Drapac teaches (see col 3, lines 56-63) use of a battery of 1.3 volts. One of ordinary skill in the art would use any size battery capable of supplying a voltage to accomplish the task. Obviousness rejection is as stated in claim 1, part (d).

Considering claim 4, Auten discloses the limitation of this claim see col 2, lines 16-29 and col 7, lines 6-9.

Considering claim 5, Auten does not specifically recite a key ring attached to the housing of his communication device. However, one of ordinary skill in the art recognize garage transmitters are portable devices and maybe of a size which is attachable to a key ring or any other attachment means. Therefore, it would have been obvious to one of ordinary skill in the art to attach the garage opener device of Auten to a key ring.

Considering claim 6, Auten discloses the limitation of this claim see col 4, lines 46-53.

Considering claim 7, Auten does not specifically recite a reflector located inside the lens and disposed around the LED. Auten teaches the LED may be outside the communication device (see col 6, line 66 to col 7, line 9). One of ordinary skill in the art

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would readily recognize the need for a reflector in the Auten system because Auten suggests the placement of the LED light source outside of the communication device.

3. Claim 8, is rejected under 35 U.S.C. 103(a) as being unpatentable over Auten, Drapac as applied to claim 1 above, and further in view of Hayashi '192.

Considering claim 8, Auten does not specifically recite a combination LED flashlight and communication device comprising a watertight housing. Hayashi teaches the use of a waterproof garage door opener (see col 1, lines 10-17). Hayashi teaches a sealing member is used for protecting the electronics on a printed circuit board from dust and water. Therefore, it would have been obvious to one of ordinary skill in the art to waterproof the communication device of Auten as taught by Hayashi because both devices would be exposed to the environment.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 9-11,13,14 are rejected under 35 U.S.C. 102(e) as being anticipated by Auten et al '410.

Considering claim 9, Auten discloses a combination flashlight and garage door opener comprising, a) housing (see fig 1b); b) at least one battery disposed inside the housing (see fig 1c, item 24); c) a light electrical connected to the battery (see fig 1c, item 22); d) a on/off switch mounted on the housing electrically connected between the battery and the light (see col 4, lines 37-40 and fig 1c, item 14); e) and f) Auten does not specifically recited a garage door opener transmitter connected to the battery and a garage door function switch. Auten discloses in col 2, lines 16-22 Auten teaches the term "communication device" is used to refer to garage door openers. One of ordinary skill in the art would readily recognize the components, which are inherent to the suggested communication devices of Auten, would be a part of that communication device. Therefore, Auten inherently teaches all the components associated with a garage door opener device.

Considering claim 10, Auten discloses the limitation of this claim see col 2, lines 30-35.

Considering claim 11, Auten discloses the limitation of this claim see col 4, lines 46-52.

Considering claim 13, Auten discloses the limitation of this claim see col 7, lines 6-9.

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6. Claim 12, is rejected under 35 U.S.C. 103(a) as being unpatentable over Auten et al.

Considering claim 12, Auten does not specifically recite a reflector located inside the lens and disposed around the LED. Auten teaches the LED may be outside the communication device (see col 6, line 66 to col 7, line 9). One of ordinary skill in the art would readily recognize the need for a reflector in the Auten system because Auten suggests the placement of the LED light source outside of the communication device.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Armani '106 disclose a battery pack for a communication device comprising a lamp. Latham, II et al '203 disclose a communication device comprising a flashlight and a voltage converter circuit. However, the present application antedates the Latham reference.

8. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308.

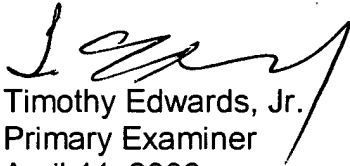
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy Edwards, Jr.
Primary Examiner
April 11, 2006